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Steve Naito, OSB No. 80321

steve.naito@tnslaw.net

Shea Gumusoglu, OSB No. 01268

shea.gumusoglu@tnslaw.net

Tarlow Naito & Summers, LLP

6650 SW Redwood Lane, Suite 215

Portland OR 97224

503.968.9000

503.968.9002 Fax

Attorneys for Third Party Defendants, J.T. Batterson and Susan Batterson

FILED APR 10 10 45 AM '06

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

THOMAS MCDONALD AND MARIAN
MCDONALD, husband and wife, and
ALEX E. MCDONALD,

Plaintiffs and
Counterclaim Defendants,

v.

SUN OIL COMPANY; SUNOCO, INC.; and
CORDERO MINING COMPANY, and the
OREGON DEPARTMENT OF
ENVIRONMENTAL QUALITY,

Defendants and
Counterclaim Plaintiffs,

THOMAS MCDONALD AND MARIAN
MCDONALD, husband and wife, and ALEX
E. MCDONALD,

Third Party Plaintiffs,

v.

J.T. BATTERSON and SUSAN
BATTERSON,

Third Party Defendants.

Case No.03-01504-HA

THIRD-PARTY DEFENDANTS'
RULE 54B JUDGMENT

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On March 14, 2006 the Court entered its Order on Third-Party Defendants' J.T. Batterson and Susan Batterson's Motion for Summary Judgment, and pursuant to Fed. R. Civ. Pr. 58, the Court EXPRESSLY DETERMINES that there is no just reason for delay in the entry of judgment and EXPRESSLY DIRECTS the entry of judgment as follows:

Third-Party Plaintiffs Thomas McDonald, Marian McDonald, and Alex E. McDonald shall take nothing by their Third-Party Complaint as against Third-Party Defendants' J.T. Batterson and Susan Batterson and all of Third-party Plaintiffs' claims against Third-Party Defendants' J.T. Batterson and Susan Batterson are dismissed with prejudice and with costs pursuant to Fed. R. Civ. Pr. 54(d).

Dated this 10 day of April, 2006.


DISTRICT OF OREGON

Respectfully submitted by,
TARLOW NAITO & SUMMERS, LLP
Steve Naito, OSB # 80321
Shea Gumusoglu, OSB # 01268
Of Attorneys for Third Party Defendants

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **THIRD PARTY DEFENDANTS'**

MOTION FOR ENTRY OF RULE 54B JUDGMENT AND THIRD PARTY

DEFENDANTS' RULE 54B JUDGMENTon:

Brian D. Chenoweth
Chenoweth Law Group, PC
601 SW Second Avenue, Suite 1940
Portland OR 97204-3154
Fax: (503) 221.2182
Email: brianc@northwestlaw.com

Amy Edwards
Stoel Rives LLP
900 SW 5th Ave. Ste. 2600
Portland OR 97204
Fax: (503) 220.2480
Email: aedwards@stoel.com

Of Attorney for Plaintiffs Thomas McDonald,
Marian McDonald, and Alex E. McDonald

Of Attorney for Defendants Sunoco,
Inc., Sun Oil Company and Cordero
Mining Company

Hal L. Segall/ James Esselman
Beveridge & Diamond, PC
1350 I Street, NW, Suite 700
Washington DC 20005
Fax: (202) 789.6190
Email: hsegall@bdlaw.com and
jesselman@bdlaw.com

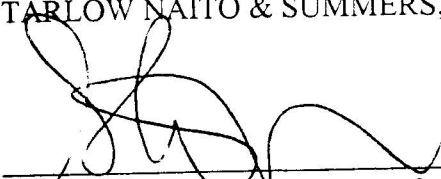
Of Attorneys for Defendants Sunoco, Inc,
Sun Oil Company and Cordero Mining Company

by the following indicated method or methods:

- ☒ by **mailing** a full, true and correct copy in a sealed first-class postage prepaid envelope, addressed to the attorney(s) listed above, and deposited with the United States Postal Service at Portland, Oregon on the date set forth below.
- ☐ by **hand delivering** a full, true and correct copy in a sealed envelope, addressed to the attorney(s) listed above, on the date set forth below.
- ☐ by **sending via [overnight] courier** a full, true and correct copy in a sealed postage prepaid envelope, addressed to the attorney(s) listed above, on the date set forth below.
- ☐ by **faxing** a full, true and correct copy to the attorney(s) listed above, at the fax number(s) indicated above, on the date set forth below.
- ☒ by **emailing** a full, true and correct copy in portable document format to the attorney(s) listed above, at the email address(es) indicated above, on the date set forth below.

DATED: April 10th, 2006

TARLOW NAITO & SUMMERS, LLP



Of Attorneys for Third Party Defendants